REMARKS

The present amendment is in response to the Official Action dated March 13, 2003, wherein the Examiner rejected pending claims 30-32 and 35-43. More specifically, The Examiner has rejected claims 30-32, 37-38 and 40 as being anticipated by Vannatta et al., US Patent No. 5,924,044, claims 41-43 have been rejected as being anticipated by Baker et al., US Patent No. 6,317,597, and claim 39 has been rejected as being unpatentable over Vannatta et al., '044, in view of Lee et al., US Patent No. 5,873,045. However the references fail to make known or obvious the claims of the present application, as suggested by the Examiner, and even more clearly, in view of recent amendments to the claims, making the claims more clear.

Additional amendments have been expressly articulated, in an attempt to clarify the apparent appropriate renumbering of the claims by the Examiner. More specifically, new claims that were previously numbered 35-41 in the previously submitted preliminary amendment, should have been numbered 37-43. The present amendment, identifies the correct numbering, and correspondingly adjusts any related dependencies. Originally filed claims 35 and 36 are hereby expressly canceled. Consequently, the claim rejections, based upon §112, are now considered moot.

In rejecting claims 30-32, 37-38 and 40, as well as claim 39, the Examiner has principally relied upon Vannatta et al., '044. Vannatta et al. provides for an attached module, which allows an alternative transmission rate. Interestingly, the at least one embodiment referenced by the Examiner enables the device to transmit for a greater portion of the transmission slot (FIG. 8 vs FIG. 9). In this instance, the data throughput is enhanced by an increased duration of transmission.

In the present application the term "rate" is similarly used. However in the present application, the multiple rates refer to the amount of data transmitted for the same transmission duration. For support, the applicant would respectfully direct the Examiner's attention to page 5, lines 9-10, of the specification. More specifically the exemplary differing data rates are identified in Kbps or Kilobits per second. In an attempt to make the same more clear, the claims have been amended to refer to "data rate, while transmitting", which is meant to be distinguishable from the instance where an aggregate or <u>average</u> data rate might vary, which includes periods of time, when a transceiver is transmitting, and periods of time, when a

transceiver is not transmitting. Lee et al., '045, fails to account for the above noted short coming of Vannatta, '044, relative to making known or obvious the claims of the present application.

In rejecting claims 41-43, the Examiner has principally relied upon Baker et al., '597. Baker et al. provides for a modem pool capable of utilizing an alternative data format structure, which may be available in enhanced service areas. However, this relates to the format that the information stream is represented in prior to being encoded for wireless communication, and does not reflect a modification of the wireless transceiver or the manner in which the information stream is wirelessly transmitted. In other words, the wireless communication rate of wireless communicated data is unaffected. The enhanced communication mode described in Baker et al., '597, is more closely akin to a form of compression on a block of information, before the signal is converted to a wireless signal, and decompression of the block of information after the wireless communication is received and converted into a received signal. In other words, the additional modem or modems from the modem pool, do not enhance the performance of the transceiver of the wireless transmission channel, but reduces the amount of information, and correspondingly wireless data to be transmitted, relative to the amount of information that the transmitted wireless data represents.

In the present application, the detachable apparatus, allows for the transceiver to transmit more wireless data bits in the same amount of time, while transmitting, via the wireless communication link. In an attempt to more clearly identify the noted distinction relative to the claims, the applicants have correspondingly amended the claims to more clearly highlight that the first and second data rates relate to the rate that the transceiver communicates data via the wireless communication link. Because the teachings of Baker et al., '597, fail to address modifications or enhancements to the transceiver or the ability of the transceiver to transmit a wireless signal via a wireless channel, Baker et al., '597, fails to make known or obvious the claims of the present application.

The cited references, Vannatta et al., '044, Lee et al., '045, and Baker et al., '597, either separately or together, each fail to make known or obvious the claims of the present application. Consequently, the applicant would contend that the claims are in a condition for allowance, and would respectfully request that the Examiner reconsider the rejection of the claims. Should any

issues remain unresolved after the consideration of the present response, the Examiner is requested to contact the applicant's representative at the number listed below to discuss the same.

Respectfully submitted,
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